

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THEODORE COOK,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:18-cv-257-SPB-RAL
)	
FCI McKEAN, WARDEN,)	
)	
Respondent.)	

MEMORANDUM ORDER

The petition for a writ of habeas corpus in this case was received by the Clerk of Court on September 4, 2018 and was initially referred to the undersigned, then a United States Magistrate Judge, for report and recommendation (“R&R”) in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and the Local Rules for Magistrate Judges. ECF Nos. 1. The petition was filed of record on November 7, 2018, after the Petitioner paid the requisite filing fee. ECF No. 4.

On September 14, 2018, the undersigned was sworn in as a United States District Judge. One week later, this action was transferred to the undersigned as presiding judge. On March 12, 2019, the case was referred to United States Magistrate Judge Richard A. Lanzillo for all pretrial proceedings. ECF No. 14. In the interim, the Respondent had filed his answer to the instant habeas petition, challenging this Court’s jurisdiction to grant the requested relief. ECF No. 13.

On January 10, 2020, Magistrate Judge Lanzillo issued an R&R recommending that the within petition be dismissed for lack of subject matter jurisdiction. ECF No. 16. Objections to the Report and Recommendation were due on or before January 27, 2020. *Id.* To date, no objections have been filed.

Accordingly, after *de novo* review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 26th day of February, 2020, IT IS ORDERED that the within petition for a writ of habeas corpus be, and the same hereby is, DISMISSED for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lanzillo, issued on January 10, 2020, ECF No. [16], shall be, and hereby is, adopted as the Opinion of this Court.

As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."

A handwritten signature in cursive script, reading "Susan Paradise Baxter", written in black ink.

SUSAN PARADISE BAXTER
United States District Judge

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The Honorable Richard A. Lanzillo (via CM/ECF)